



Montoya, Darlene <dmontoya@nmag.gov>

RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

2 messages

Montoya, Darlene <dmontoya@nmag.gov>
To: vmangiacapra@corrales-nm.org

Mon, Dec 19, 2016 at 4:09 PM

Chief:

Attached please find correspondence from the Law Enforcement Board Subcommittee regarding the above-referenced matter.

If you have any questions or concerns, please do not hesitate to contact me. Thank you

—
Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:5054904854)



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Victor Mangiacapra <VMangiacapra@corrales-nm.org>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Wed, Dec 21, 2016 at 11:35 AM

Hello Ms. Montoya,

Attached please find a copy of Corrales Police Department General Orders Policies and Procedures section 2-11, Use of Force. This policy was last reviewed/revised in April, 2015, and CPD members receive training on this policy biannually during firearms training and qualification sessions. Please feel free to contact me for any additional information.

Have a Merry Christmas and a Safe & Happy New Year,

Vic Mangiacapra

Chief Victor Mangiacapra

Corrales Police Department

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From: Montoya, Darlene [mailto:dmontoya@nmag.gov]

Sent: Monday, December 19, 2016 4:09 PM

To: Victor Mangiacapra <VMangiacapra@corrales-nm.org>

Subject: RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

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**CORRALES POLICE DEPARTMENT
POLICIES AND PROCEDURES**

POLICY NO: 2-11	SUPERSEDES: All Prior	EFFECTIVE DATE: April 14, 2015	PAGE NO: 1 of 7
SUBJECT: Use of Force		APPROVED BY: Chief Victor Mangiacapra III	
REVIEW DATE: April, 2020			

PURPOSE:

To provide police officers with guidelines on the use of lethal, less-lethal and non-lethal force.

POLICY:

It is the policy of the Corrales Police Department that police officers shall use only that force which is reasonably necessary to maintain control of an incident while protecting the lives of themselves or another.

PROCEDURE:

The United States Supreme Court, in Graham v. Connor, set forth the analytical model by which all use of force cases are reviewed. As required by Graham, an officer's use of force is assessed by examining the facts and circumstances known to the officer including a review of the following:

1. The severity of the suspect's crimes;
2. The immediacy of the threat posed by the suspect to the safety of the officers or others; and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

As ruled in Graham, objective reasonableness is much like the related concepts of reasonable suspicion and probable cause. Objective reasonableness requires more than an officer's *subjective* beliefs about a suspect and the level of threat that the suspect poses. Indeed, an officer cannot base a decision to use force on a hunch, a feeling, or some other unquantifiable belief.

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This is an *objective* test, therefore, an officer must be able to identify specific and identifiable facts. Essentially, an officer must list the information that he or she observed, heard, or otherwise collected through reliable police channels and the source of that information. Sometimes just as important, an officer must identify unknowns and why this lack of information is important to an assessment of the suspect's threat level. An officer should identify information collected, which may only be apparent to trained police officers.

Based on those specific and identifiable facts, an officer can then use his or her training and experience to interpret the known information and reach a reasonable conclusion as to the level of threat posed by the suspect. Stated another way, the conclusion an officer draws about a suspect must be based on the known facts.

This process does not deal with hard certainties, but with probabilities. The use of the 20/20 vision of hindsight to analyze an officer's use of force decision is prohibited. This is why the Graham test is called objective *reasonableness*, not objective *certainty*.

Definitions:

1. Lethal Force: Any use of force that is likely to cause death or serious physical injury.
2. Less-Lethal Force: Measures or equipment such as bean-bag rounds or other propelled impact devices deployed from a traditional firearm designed to incapacitate without causing death or serious physical injury. These measures, when deployed properly, still possess the potential to cause death or serious physical injury.
3. Non-Lethal Force: Any use of force other than that which is considered lethal or less-lethal force.
4. Serious Physical Injury: A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.
5. Reasonable Belief: The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.

All sworn personnel are issued copies of this policy and instructed on its contents before being authorized to carry a firearm. At least once a year, as part of firearms training and qualifications, officers receive update training in this policy.

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Parameters for Use of Lethal Force:

After weighing the respective interests of law enforcement and the suspect, the United States Supreme Court, in Tennessee v. Garner, held that the Fourth Amendment authorized a police officer's use of deadly force under the following circumstances:

[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.

The Supreme Court, in Garner, also *prohibited* the use of deadly force under the following circumstance:

[t]he use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape. Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so. It is no doubt unfortunate when a suspect who is in sight escapes, but the fact that the police arrive a little late or are slower afoot does not always justify killing the suspect. A police officer may not seize an unarmed, non-dangerous suspect by shooting him dead.

Accordingly, police officers are authorized to use lethal force in order to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury;
2. To prevent the escape of or stop a suspected felon who has committed a crime involving the infliction or threatened infliction of serious physical injury and has the ability to carry out that action or threat.

Where feasible, some warning should be given prior to engaging in the use of lethal force. Officers are not precluded from using any available means to deploy lethal force when justified. Officers should give appropriate medical assistance to injured suspects in circumstances where the officer's safety is no longer in jeopardy.

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Officers may also discharge a firearm under the following circumstances:

1. To safely destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured;
2. During qualifications, range practice or sporting events.

Warning shots are prohibited, absent a justified emergency where doing so would save the officer or another from death or serious physical injury. Warning shots are fired in such a manner as to not endanger innocent parties.

Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the suspect is using lethal force.

Firearms will be carried in a safe and secure manner. Careless handling of firearms is prohibited.

Parameters for Use of Less-Lethal Force:

Less-lethal force currently consists of the use of a beanbag round or any other type of a projectile, deployed by a traditional firearm, designed by the manufacturer to incapacitate individuals without causing death or serious physical injury.

Less-lethal force may be used in situations where the officer reasonably believes that the subject possesses the means to place citizens, officers, or themselves in situations of potential lethal hazard. It may be used even though the subject has not yet caused threats which constitute imminent fear of death or serious bodily harm.

Less-lethal force is not designed as a substitute for lethal force but, rather as an alternative in some instances. Proper use of less-lethal force requires a sufficient amount of time for officers to confirm the circumstances of the incident and verify use of a less-lethal round. Therefore, officers are encouraged but, not compelled, to use less-lethal force rounds where feasible. Officers should be familiar with and follow the guidelines in the USE OF BEANBAG ROUNDS as described in *Appendix D*.

Parameters for Use of Non-Lethal Force:

In circumstances where lethal force is not authorized, officers should assess the incident in order to determine how to best de-escalate and bring the incident under control in a safe manner. Assessment may include; potential for officer or offender injury, degree of aggression by the suspect, number of suspects, possibility of escalation, number of bystanders, and potential for secondary exposure of bystanders.

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Police officers are authorized to use Department approved non-lethal force techniques and equipment for resolution of incidents, as follows:

1. To protect themselves or another from physical injury;
2. To restrain or subdue a resistant individual;
3. To bring an unlawful situation safely and effectively under control.
4. To prevent damage to private or public property.

During defensive situations where an officer is required to defend against an attack likely to cause serious bodily injury, nothing in this policy shall prevent the officer from utilizing any weapon of opportunity as a means to protect his/her life or the life of another.

Training and qualifications:

Lethal Weapons:

Police officers shall carry only weapons and ammunition as authorized by the Department under the FIREARMS policy and procedure, and must demonstrate proficiency in their use prior to being approved to carry such weapons.

Less Lethal Weapons:

Beanbag shotguns are used to deploy beanbag rounds. Initial training and annual proficiency exams are required as described in *Appendix D*.

Non-Lethal Force Weapons and Methods:

Officers are not permitted to use a non-lethal weapon unless qualified in its proficient use as determined by training procedures. Approved non-lethal force weapons are:

1. Baton, Empty Hand and unarmed impact techniques;
 - a. Expandable or "ASP" Batons are currently issued to Department personnel. Initial training is conducted during basic police academy training and update training is conducted periodically. Batons will be approved through training guidelines.
 - b. Empty hand and unarmed impact techniques are currently taught to officers during basic police academy training and update training is conducted periodically. Techniques will be approved through training guidelines.
 - c. The Corrales Police Department does not currently teach or authorize the use of Lateral Vascular Neck Restraint.

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2. Oleoresin Capsicum (OC), primarily known as pepper mace, is a chemical product which may be utilized by duly trained officers. Initial training is required with periodic update training as described in *Appendix A*.
3. Electronic Control Weapons (ECW) are currently issued to duly trained officers. Initial training and periodic update training is described in *Appendix B*.
4. Tire Deflation Devices (TDD) are currently issued to duly trained officers. These devices are used to forcibly stop fleeing vehicles. Officers are given training on these devices when issued as described in *Appendix C*.

Required Medical Aid:

Immediately after the use of force on a suspect, the officer shall be alert to any indications that the individual needs medical care. This includes, but is not limited to breathing difficulties, gagging, significant obvious increase in body temperature, profuse sweating, and loss of consciousness. Upon observing these or other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid.

Appropriate medical aid is rendered following any use of force that results in visible injuries or complaints of injury; subjects with injuries are examined by emergency medical personnel at the scene or transported to an area hospital emergency room for treatment prior to incarceration.

Reporting Use of Force:

Any use of force must be documented within an offense/incident report and/or interoffice memorandum. A supervisor is immediately notified of any incident involving the use of force meeting the following criteria:

1. When a firearm is discharged outside of the firing range;
2. When use of force results in death or injury;
3. When a citizen complains that an injury has been inflicted.

Supervisors shall forward all documentation pertaining to incidents involving the use of force by Department personnel to the Chief of Police or designee without delay. The Chief of Police or designee will determine the appropriateness of each use of force and initiate further action as necessary, including but not limited to:

1. An administrative internal affairs investigation;
2. A criminal investigation;

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3. An investigation by an outside law enforcement agency;
4. Notification of the Village Attorney;
5. Notification of the District Attorney.

The administrative investigation and criminal investigation will be conducted independently of each other.

Following all cases involving the use of deadly force by an officer, the Village Attorney and District Attorney shall be notified, and an investigation by an outside law enforcement agency shall be requested.

Department Response:

When a police officer's use of force or other actions cause death or serious injury, the officer is placed on administrative leave until it is determined by a mental health specialist and the Chief of Police or designee that the officer is ready to return to duty. The officer shall undergo subsequent evaluations if behavior or performance indicates it would be in the best interest of the officer or Department. Follow up evaluations will be conducted on a case-by-case basis.

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Appendix A/Use of Force Page 1 of 2

Use of Oleoresin Capsicum (OC)

PROCEDURE:

1. Authorization

- a. Only officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.
- b. Uniformed officers shall carry only departmentally authorized aerosol canisters in the prescribed manner on their duty belt. Non-uniformed officers may carry OC/pepper spray in alternative devices as authorized by the department.

2. Usage Criteria

- a. OC is considered a use of force and shall be employed in a manner consistent with this agency's use-of-force policy. OC is a force option following verbal non-compliance/empty hand tactics.
- b. OC may be used when:
 1. Verbal dialogue has failed to bring about the subject's compliance;
and
 2. The subject has signaled his intention to actively resist the officer's efforts to make the arrest.
- c. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.
- d. An officer may use deadly force to protect himself from the use or threatened use of OC or other chemical agents when the officer reasonably believes that deadly force will be used against him if he becomes incapacitated.

3. Usage Procedures

- a. Whenever possible, officers should be upwind from the suspect before using OC and should avoid entering the spray area.
- b. An officer should maintain a safe distance from the suspect.
- c. A single spray burst of between one and three seconds should be directed at the suspect's eyes, nose, and mouth. Additional bursts may be used if the initial or subsequent burst proves ineffective.
- d. Use of OC aerosol should be avoided, if possible, under conditions where it may affect innocent bystanders.

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Use of OC

4. Effects of Aerosol and Officer Response

- a. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, a burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
- b. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspect, to include, if necessary, other force options consistent with agency policy, if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.
- c. Immediately after spraying a suspect, the officer shall be alert to any indications that the individual needs medical care. This includes, but is not limited to breathing difficulties, gagging, profuse sweating, significant obvious increase in body temperature and loss of consciousness. Upon observing these or other medical problems, the officer shall immediately summon emergency medical aid.
- d. Suspects that have been sprayed shall be monitored for indications of medical problems and shall not be left alone until secured in a detention facility.
- e. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and should encourage them to relax.
- f. Air will normally begin reducing the effects of aerosol spray within 15 minutes of exposure. However, once the suspect has been restrained, officers shall assist him by rinsing and drying the exposed area.
- g. Assistance shall be offered, when reasonably possible, to any individuals accidentally exposed to OC who feel the effects of the agent.

5. Reporting Procedures

- a. Accidental discharges as well as intentional uses of OC against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.

6. Replacement

- a. All OC devices shall be maintained in an operational and charged state by assigned personnel. Requests for replacements for damaged, inoperable or empty devices are the officer's responsibility.
- b. OC canisters should be replaced when the unit is less than half full.

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Appendix B/Use of Force Use of Electronic Control Weapons (ECW) **Page 1 of 4**

PROCEDURE:

Electronic Control Weapons (ECW) may be used by authorized and trained personnel in accordance with this use of force policy and additional guidelines established herein to control violent or potentially violent subjects, to control misdemeanor suspects who are increasingly hostile, belligerent and uncooperative or are actively resisting arrest, or violent felony suspects who are not responding to verbal commands. ECWs are not intended to replace verbal commands, control holds, firearms or other self-defense techniques and training.

Authorized Personnel and Equipment:

Only Department personnel who have successfully completed an approved initial training program and any required in-service training and update courses are authorized to carry and use an ECW. The administration will maintain records of all issued ECWs and related equipment and to whom they are assigned. Only authorized and assigned ECWs, dart cartridges, and equipment may be used by Department personnel. Any damaged or malfunctioning unit will be removed from service and reported to a supervisor.

Weapon Readiness:

The ECW shall be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training. The device shall be carried fully armed with the safety on in preparation for immediate use. Officers shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure or the need for redeployment. The spare cartridge shall be stored and carried in a manner consistent with training and the cartridges will be replaced following the manufacturer's expiration requirements. Only manufacturer-approved battery power sources shall be used in the ECW. The ECW shall be subjected to a pre-shift "spark test" as defined in training to ensure that the device is functioning properly. No modifications or repairs shall be performed on the device unless authorized by the department in writing.

DEFINITIONS

Electronic control weapon (ECW): A weapon that uses electricity to override voluntary motor responses, or apply pain in order to gain compliance or overcome resistance.

Passive resistance: A refusal by an unarmed person to comply with an officer's verbal commands or physical control techniques that does not involve the use of physical force, control, or active resistance of any kind.

Sensitive population groups: Sensitive population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.

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Appendix B/Use of Force Use of Electronic Control Weapons (ECW) **Page 2 of 4**

DEPLOYMENT

The ECW is generally authorized to be used in circumstances where grounds to arrest or detain are present and the subject's actions cause a reasonable officer to believe that physical force will be used by the subject to resist the arrest or detention. Such actions may include but are not limited to:

- A. Use of force against the officer or another person;
- B. Violent, threatening, or potentially violent behavior;
- C. Physically resisting the arrest or detention;
- D. Flight in order to avoid arrest or detention, in circumstances where officers would pursue on foot and physically effect the arrest or detention;
- E. Self-destructive behavior

The ECW is most effective at overcoming resistance and assisting officers with subject control when used in the "probe mode," which is the preferred deployment technique when practical. The device should be aimed at the subject, fired, and cycled in a manner consistent with and as outlined in training. The ECW may also be used in limited close-range, self-defense, and pain-compliance circumstances in the "contact" mode, if there is no opportunity to use the device in the preferred "probe mode." When the device is used in "contact" mode, it is:

- A. Primarily a pain compliance tool;
- B. Generally less effective than when probes are deployed with spread in excess of 12 inches;
and
- C. Subject to the same deployment guidelines and restrictions as probe deployments.

An alternative method of close-range deployment involves firing the ECW cartridge at close range, then applying the ECW in "contact" mode to an alternate part of the body. This creates a "probe spread" effect between the impact location of the probes and the point where the ECW is placed in contact with the subject's body, resulting in an increased probability of subject control as compared to the standard "contact" mode. When the ECW is used in this manner, it is:

- A. Potentially as effective at subject control as a conventional cartridge-type probe spread deployment, and
- B. Subject to the same deployment guidelines and restrictions as any other ECW cartridge deployment.

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Appendix B/Use of Force Use of Electronic Control Weapons (ECW)

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The ECW shall not be used on those who passively resist as defined in this policy, and should generally not be used:

- A. On a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means;
- B. In any environment where an officer reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane;
- C. In any situation where the officer has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk.

Officers shall be aware of the general concerns raised when an ECW is used on a member of a sensitive population group. Officers are not prohibited from using an ECW on such persons, but use is limited to those exceptional circumstances where the potential benefit of using the device (i.e., injury reduction) reasonably outweighs the risks and concerns.

Upon activating the device against a person, the officer shall energize the subject no longer than objectively reasonable to overcome resistance and bring the subject under control. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. If the subject does not respond to the ECW deployment in the anticipated control manner based on training and experience, personnel should consider transitioning to alternative resistance control measures. To minimize the number of cycles needed to overcome resistance and bring the subject under control, the subject should be secured as soon as practical while affected by ECW power or immediately thereafter.

Post-Deployment Considerations

The ECW darts may be removed from the subject after being restrained following procedures outlined in training. In any case where the darts contact a subject's head, eye, neck, genital area or female breast, only medical personnel should remove the darts from these areas and an EMT response shall be requested or the person transported to a medical facility. Additionally, an EMT response shall be requested or the person transported to a medical facility for examination and the obtaining of a medical clearance if any of the following occur:

- A. He or she requests medical attention, or there is an obvious need for medical attention;
- B. He or she is hit in a sensitive area (those listed above or otherwise);
- C. The officer has difficulty removing the probes;
- D. He or she does not appear to recover in a reasonable period of time after being exposed, as determined by the officer following training guidelines;
- E. He or she is part of a sensitive population group as defined in this policy;
- F. He or she has been exposed to more than three ECW cycles;
- G. He or she has been exposed to the effects of more than one ECW device;

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Appendix B/Use of Force Use of Electronic Control Weapons (ECW)

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- H. He or she is reasonably believed to have been exposed to a continuous cycle of 15 seconds or more;
- I. He or she has exhibited signs of "excited delirium," as outlined and defined in training, prior to and/or during ECW exposure;
- J. He or she has difficulty breathing;
- K. He or she is gagging;
- L. He or she is sweating profusely;
- M. He or she has a significant obvious increase in body temperature; or
- N. He or she has a loss of consciousness.

When the device has been operationally deployed in "probe mode," the officer should collect the cartridge, wire leads, darts, and AFID (Anti-Felon Identification System) tags, and secure them as evidence in a ventilated plastic container marked "*BIOHAZARD*."

In all other cases when ECW darts are removed by the operator, universal precautions shall be followed to protect the officer from the transfer of body fluids. In cases where ECW darts are imbedded in the skin, the operator will ensure the subject is properly restrained prior to the removal of the darts using the procedures outlined in training. Whether the darts are removed by medical personnel or the ECW operator, photographs of the impacted site shall be taken.

Reporting:

Except for training exercises, all ECW discharges of are documented within offense/incident reports and/or interoffice memorandums. The deploying officer shall notify his or her supervisor as soon as practical after using the device, and the appropriate incident report, including documentation of the use-of-force, shall be completed. Data from the ECW, including audio/video recordings if the ECW is so equipped, shall be downloaded following use and the file shall be considered a part of the use-of-force review. Officers shall thoroughly document in their incident report the facts and circumstances that reasonably required the use of the ECW, and specify whether the device was used as follows:

- A. In the "contact" mode;
- B. Subject energized more than three cycles;
- C. Subject energized for longer than 15 seconds;
- D. More than one ECW being used against the subject;
- E. Used on an individual in a sensitive population group as defined in this policy.

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Appendix C/Use of Force Page 1 of 3

Use of Tire Deflation Devices

Procedure:

If a pursuing officer or a supervisor has reason to believe that the continued movement of a pursued vehicle will place the drivers and/or others in imminent danger of serious bodily harm or death, assisting units may utilize approved tire deflation devices in order to stop the suspect vehicle.

The following criteria shall be met prior to use of tire deflation devices:

1. Reasonable cause exists to believe the suspect has committed an offense justifying arrest;
2. The officer has given the command to stop by means of a red light and siren and the suspect has ignored such commands.
3. Failure to stop the suspect vehicle may result in placing others in jeopardy.

The tire deflation device may also be used during a tactical situation to prevent a vehicle from becoming mobile.

Considerations:

Officers involved in using tire deflation devices will consider the following prior to utilizing this equipment:

1. Officers must have received training on the use of the tire deflation devices;
2. The most effective location for the placement of tire deflation devices is selected as follows:
3. Deployment locations should have reasonably good sight distances to enable the person deploying the tire deflation device to observe the pursuit and other traffic as it approaches;
4. The person deploying the tire deflation devices should choose a location with natural barriers such as guardrails or shrubbery. These barriers conceal the person from view and allow for relatively safe deployment of the tire deflation devices;
5. Traffic, construction, special events and/or activities may create situations where the use of tire deflation devices would be inappropriate;
6. Weather conditions and time of day should be considered prior to deployment.

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Use of Tire Deflation Devices

Position and vulnerability of the public, private property, other assisting units, and equipment:

Tire deflation devices should not be deployed to stop the following vehicles, unless continued movement of the pursued vehicles would result in an increased hazard to others.

1. Any vehicle transporting hazardous materials;
2. Any passenger bus transporting passengers;
3. Any school bus transporting students;
4. Any vehicle that would pose an unusual hazard to innocent parties;
5. Any two-wheel vehicles.

Deployment:

Tire deflation device deployment plans shall include provisions for close coordination between pursuing units and the person deploying the tire deflation devices.

1. When the decision is made to deploy the tire deflation devices, pursuing units will notify the person deploying the tire deflation devices as far in advance as possible, of the necessity of their use;
2. The person deploying the tire deflation devices shall be in position at a predetermined location in sufficient time for proper deployment. All pursuing units should be notified when the tire deflation devices are in place;
3. Manufacturer recommendations for the deployment of the tire deflation devices should be considered when time and distance permit.
4. After deploying the tire deflation devices, personnel at the scene should immediately seek protection;
5. The person deploying the tire deflation devices is responsible for securing them immediately after their use. This will include searching the immediate area where the tire deflation devices were used and collecting any tire deflation devices which may have become detached, as well as properly maintaining, preparing for reuse, and storing the tire deflation devices.

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Use of Tire Deflation Devices

Reporting:

The successful deployment of a tire deflations device is considered to be a use of force and will be properly documented within offense/incident reports and/or interoffice memorandums.

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Appendix D/Use of Force Page 1 of 2

Use of Beanbag Round

PROCEDURE:

In order to determine which technique or weapon will reasonably de-escalate an incident and bring it under control safely, officers should assess the situations where force is warranted. Officers will use only that force which is reasonably necessary to effect lawful objectives. The Beanbag is not designed as a substitute for deadly force.

Although not designed as a lethal instrument, the beanbag should be viewed as a higher level of force than a baton, chemical agent, or Taser. It may be used in situations where the officer reasonably believes that the subject possesses the means to place citizens, officers, or themselves in situations of potential lethal hazard. It may be used even though the subject has not yet caused threats, which constitute imminent fear of death or serious bodily harm.

Officers should be aware that Beanbags are not 100% effective in incapacitating subjects. Plans and tactics, including deadly force alternatives, should be in place prior to the use of Beanbag rounds in the event they are not effective. Beanbag rounds should not be used as a substitute for proper tactics.

Deployment:

Beanbags are deployed from a standard .12 gauge pump action shotgun. Proper use of the Beanbag requires a sufficient amount of time for officers to confirm the circumstances of the incident and verify use of a less lethal round. Therefore, officers are encouraged, but not compelled to use the Beanbag where feasible.

Due to the consequences that could result if a duty round was mistakenly fired in place of a Beanbag round, all shotguns firing Beanbag rounds will be dedicated to this purpose. The designated shotguns will be marked on the stock and barrel with yellow duct tape. Once marked, these shotguns will not be loaded with any other rounds. It is the officer's responsibility to assure that their designated shotgun is properly marked and that worn or damaged markings be replaced.

To further prevent possible confusion between duty rounds and Beanbag rounds, all officers will ensure that their designated shotguns are loaded with Beanbag rounds prior to each shift. Where practical, officers will check the shotgun they are using just prior to deploying it.

Officers deploying the Beanbag rounds will make an effort to inform other involved officers that they are being used. This will prevent other officers from believing that deadly force is being used.

Officers should fire the Beanbag while aiming for areas of large muscle mass. Firing the Beanbag rounds from a distance of less than 10 feet substantially increases the risk of death or serious bodily injury to the subject. Officers should not fire at these distances unless the situation would warrant a deadly force response.

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Use of Beanbag Round

The use of less lethal munitions is authorized against animals that pose a threat to officers or public safety.

Training and Qualifications:

Any officer utilizing the Beanbag round will be allowed to do so only after completing a training course in deployment.

Only Department issued Beanbag rounds will be utilized. Beanbag rounds will only be fired during training or tactical situations. Unauthorized use of Beanbag rounds is forbidden.

To ensure proficiency, officers carrying Beanbag shotguns must maintain their normal shotgun proficiency through annual qualifications using .00 buck. In addition, proficiency must be demonstrated once per year utilizing a Beanbag course of fire. This course of fire will be determined by Department Firearm Instructors and will be fired using Beanbag ammo and the assigned Beanbag shotgun.

Reporting Use of Bean Bag Round:

Except for training and qualification purposes, all uses of the beanbag round will be properly documented within offense/incident reports and/or interoffice memorandums. The documentation will include a detailed description of the events leading to the necessity for the use of Beanbag rounds, the nature and extent of any injuries to the subject, the identity of the combatants, officers involved, witnesses, and medical personnel.

Required Medical Aid:

Immediately after the use of force on a suspect, the officer shall be alert to any indications that the individual needs medical care. This includes, but is not limited to breathing difficulties, gagging, significant obvious increase in body temperature, profuse sweating, and loss of consciousness. Upon observing these or other medical problems or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid.

In all cases where Beanbag rounds are used, the subject will be transported to a hospital emergency room for a medical release.